

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EMPLOYEE PAINTERS TRUST HEALTH
& WELFARE FUND, WESTERN
WASHINGTON PAINTERS DEFINED
CONTRIBUTION PENSION TRUST,
WESTERN WASHINGTON
APPRENTICESHIP AND TRAINING
TRUST, WESTERN WASHINGTON
PAINTERS LABOR MANAGEMENT
COOPERATION TRUST FUND,
INTERNATIONAL UNION OF PAINTERS
& ALLIED TRADES PENSION FUND and
INTERNATIONAL UNION OF PAINTERS
& ALLIED TRADES DISTRICT COUNCIL
NO. 5,

Plaintiffs,

v.

SHANE W. BEMIS and "JANE DOE"
BEMIS, husband and wife and the marital
community comprised thereof; and
FINISHERS CORPORATION, a Washington
corporation,

Defendants.

No. C05-142Z

ORDER

The Plaintiffs move the Court to enter a default judgment against Defendants, Shane W. Bemis, "Jane Doe" Bemis, husband and wife and marital community thereof, and Finishers Corp., docket no. 9. The Court has reviewed the record submitted in support of the Plaintiffs' motion and concludes the documents submitted fail to fully support the motion. The documents submitted support only a judgment of \$27,383.17 in delinquent contributions for July of 2004.

1 Plaintiffs' Motion, docket no. 9, Ex. B1. Further, the documents submitted do not support
 2 liquidated damages in the amount of twenty (20) percent of the delinquent contributions due the
 3 IUPAT Pension Trust or interest of eight (8) percent per annum on the delinquent contributions
 4 due the IUPAT Pension Trust. See Plaintiffs' Motion, Ex. C3. Finally, the Plaintiffs have not
 5 supported their request for twelve (12) percent post-judgment interest.

6 The Court therefore awards no liquidated damages for the delinquent contributions due
 7 the IUPAT Pension Trust, pre-judgment interest at the federal interest rate of 3.4 percent on the
 8 \$11,665.65 in actual delinquent contributions due the IUPAT Pension Trust, and post-judgment
 9 interest according to the federal judgment interest rate of 3.4 percent.

10 Summary of Judgment

11 1. Judgment Creditor: Employee Painters Trust Health &
 12 Welfare Fund, Western Washington
 13 Painters Defined Contribution Pension
 14 Trust, Western Washington
 15 Apprenticeship and Training Trust,
 16 Western Washington Painters Labor
 17 Management Cooperation Trust Fund,
 18 International Union of Painters & Allied
 19 Trades Pension Fund and International
 20 Union of Painters & Allied Trades
 21 District Council No. 5.

22 2. Judgment Debtor: Shane W. Bemis and "Jane Doe" Bemis,
 23 and Finishers Corporation.

24 3. Contributions

25 IUPAT Pension	\$11,665.65
26 H & W Fund	\$17,895.90
Other	\$16,792.24
Total Contributions	\$46,353.79

27 4. Liquidated Damages

28 IUPAT Pension	none
29 H & W Fund	\$2,147.51
30 Other	\$1,679.22

Total Liquidated Damages	\$3,826.73
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1 5. Interest to Date of
2 Judgment

3 IUPAT Pension	\$328.32
4 H & W Fund	\$1,780.44
5 Other	\$1,724.96
Total Interest to Date	\$3,833.72

6 6. Costs **\$457.88**

7 7. Attorneys' Fees **\$1,967.25**

8 8. Post-Judgment Interest Rate **3.4%**

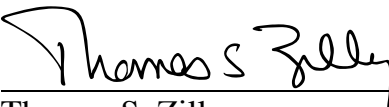
9 9. Attorney for Judgment Robert A. Bohrer, WSBA No.5050
Creditor EKMAN, BOHRER & THULIN, P.S.

10 The Court ORDERS that Plaintiffs be awarded a Default Judgment against
11 Defendants in the amount of \$56,439.37 representing contributions covering the period July
12 through September 2004 in the amount of \$46,353.79, liquidated damages in the amount of
13 \$3,826.73, interest in the amount of \$3,833.72, costs in the amount of \$457.88 and attorneys'
14 fees in the amount of \$1,967.25. This Judgment shall accrue interest on the total unpaid
15 balance at the federal judgment interest rate of 3.4%.

16 The Court further ORDERS that such default judgment is deemed a final judgment
17 pursuant to Fed. R. Civ. P. 54(c) and there is no just reason for delay in entry of such
18 judgment on Plaintiffs' claims.

19 IT IS SO ORDERED.

20 DATED this 29th day of June, 2005.

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24 Thomas S. Zilly
25 United States District Judge
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